

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ABBOTT CARDIOVASCULAR
SYSTEMS, INC. and ABBOTT
LABORATORIES, INC.,

Plaintiffs,

$$V_n$$

MEDTRONIC VASCULAR, INC. and
MEDTRONIC USA, INC.,

Defendants.

C. A. No. 98-80 (SLR)
(Consolidated with C.A. No. 98-314
(SLR) and C.A. No. 98-316 (SLR))

HIGHLY CONFIDENTIAL
UNDER PROTECTIVE ORDER

REDACTED -- PUBLIC
VERSION

**AFFIDAVIT OF ANNE SHEA GAZA IN SUPPORT OF
ACS'S MOTION FOR A PERMANENT INJUNCTION**

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Dated: **JULY 9, 2007**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR)	
SYSTEMS INC. and ABBOTT)	
LABORATORIES INC.,)	Civil Action No. 98-80 (SLR)
)	(Consolidated with C.A. No. 98-314
Plaintiffs,)	(SLR) and C.A. No. 98-316 (SLR))
)	
v.)	HIGHLY CONFIDENTIAL
)	UNDER PROTECTIVE ORDER
MEDTRONIC VASCULAR, INC. and)	
MEDTRONIC USA, INC.,)	FILED UNDER SEAL
)	
Defendants.)	
)	

AFFIDAVIT OF ANNE SHEA GAZA IN SUPPORT OF
ACS'S MOTION FOR A PERMANENT INJUNCTION

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

I, Anne Shea Gaza, do hereby declare and state that I am over 21 years of age and, except as otherwise stated herein, I make this Affidavit of my own personal knowledge and am competent to testify about the matters set forth herein. I am an attorney with the law firm of Richards, Layton & Finger, counsel representing Plaintiffs in the above-captioned action. I am admitted to practice before this Court. This Affidavit is submitted in support of ACS's Motion for a Permanent Injunction. Attached to this Affidavit are true and correct copies of the following exhibits:

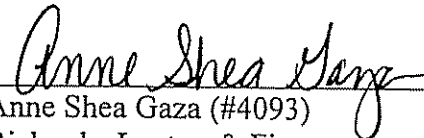
- | <u>Tab</u> | <u>Exhibit</u> |
|-------------------|--|
| 1. | Winslow, R. "Missing a Beat: How a Breakthrough Quickly Broke Down for Johnson & Johnson," <u>The Wall Street Journal</u> , September 18, 1998 |
| 2. | Excerpt from July 7, 1997 Deposition of B. Jendersee from <i>Anwar v. AVE</i> , |

No. 96-05323-M (Dal. Tex.) (AVEA441290, AVEA441481)

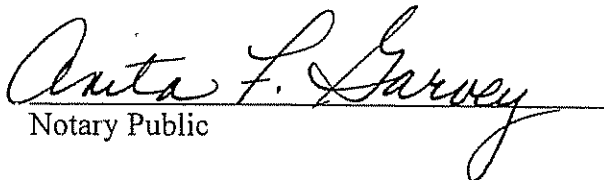
3. AX-61 at AVEA019806-07
4. AX-980 at ACS00687025
5. AX-981 at ACS00687356
6. Declaration of David C. Pacitti
7. Excerpt from May 6, 2004 Deposition of B. Jendersee from *ACS v. Medtronic Vascular*, No. 98-80-SLR (D. Del.)
8. Declaration of Gary Schneiderman, Ph.D.
9. ACS00699808 - ACS00699971
10. GC038373 - GC038403
11. ACS00641222
12. "Guidant Announces Settlement Structure for Patent Litigation," Guidant Press Release, May 17, 2000
13. "FDA Approves Landmark Treatment for Coronary Artery Disease," Cordis Press Release, April 24, 2003
14. "Boston Scientific Welcomes New England Journal of Medicine Articles on Drug-Eluting Stents," Boston Scientific Press Release, February 12, 2007
15. Excerpts from Guidant's United States Market Overview data from January 1998 through May 2007
16. Declaration of Joel K. Kahn, M.D.
17. Excerpt from Medtronic 2006 Annual Report
18. "Medtronic announces ENDEAVOR II 30-day safety data at PCR," Medtronic Press Release, May 26, 2004
19. Complaint in *Medtronic Vascular, Inc. v. Advanced Cardiovascular Systems, Inc.*, No. C-06-01066-PJH (N.D. Cal.)
20. ACS00691775
21. Excerpt from Morgan Stanley Analyst Report, dated May 7, 2007
22. Complaint in *Medtronic, Inc. v. Cordis Corp.*, No. 2-07CV-088 (E.D. Tex.)
23. Supply and License Agreement, dated May 9, 2002

I, Anne Shea Gaza, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of June, 2007, at Wilmington, Delaware.


Anne Shea Gaza (#4093)
Richards, Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
(302) 651-7700

Sworn to and subscribed before me
this 29th day of June, 2007.


Notary Public

ANITA F. GARVEY
Notary Public - State of Delaware
My Comm Expires Aug. 18 2008

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

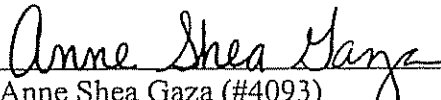
I hereby certify that on June 29, 2007, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Karen Jacobs Loudon, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347

I hereby certify that on June 29, 2007, I have sent by Federal Express the foregoing document to the following non-registered participants:

Raphael V. Lupo, Esquire
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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2007, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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